

## REMARKS

By the present amendment, Applicants' have currently amended Claims 1 and 7, cancelled claims 6, 19-22, and added claims 23-27. No new matter has been added to the claims. Amended claim 1 now defines anionic components using support from the specification on page 7 lines 12-13 and claim 3. Amended claim 1 also adds the limitation of a humectant which is supported by original claim 6 and page 13 lines 10-11 of the specification. Claim 7 was amended to correct dependency which had depended upon original, but now cancelled, claim 6.

New claim 23 finds support from original claims 1 and 5. New claim 24 is supported by original claim 8, new claim 25 from original claim 3, new claim 26 from original claim 4, and new claim 27 from original claim 11. Claims 1-5 and 7-27 are pending in the present application. Claims 1 and 23 are the only independent claims. The amendments to the specification at page 2, line 15 and page 3, line 20 correct typographical errors with regard to U.S. patent numbers. The amendment to page 17, lines 5-7 deletes language that refers to a non-disclosed table 1. Kindly consider the remarks below as a request for reconsideration of the above-identified application.

### Enablement Rejection of Claims 1, 2 and 5-13 under 35 U.S.C. 112, first paragraph

Examiner found the specification does not reasonably provide enablement for dentifrices comprising such "anionic components reactive with sodium and water to form hydrated crystals" while being enabling for dentifrices comprising "anionic components reactive with sodium and water to form hydrated crystals" which are selected from the group consisting of orthophosphates, pyrophosphates, tripolyphosphate, metaphosphate, borates, thiosulfates and glycerophosphates.

Currently amended claim 1 defines the anionic components as including orthophosphates, pyrophosphates, polyphosphates, metaphosphates, borates, thiosulfates, and glycerolphosphates. In light of currently amended claim 1, the enablement rejection has been overcome.

### Indefiniteness Rejection of Claims 1-22 under 35 U.S.C. 112, second paragraph

Examiner found claims 1-22 to be indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the

invention. Specifically Examiner cited the language “or other dissolved species” is confusing. Applicants’ amendment of claim 1 deleting the language “or other dissolved species” should serve to obviate this specific indefiniteness rejection.

Examiner also rejected the term “about” used in the last two lines of claim 1 as being indefinite. Examiner’s rejection of the term “about” as used in connection with the water activity value is traversed. Terms of degree do not automatically render claims indefinite. See MPEP 2173.05(b). “Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.” MPEP 2173.05(b). According to the MPEP, when a term of degree is present, a determination must be made as to whether the specification provides some standard for measuring that degree. MPEP 2173.05(b).

The “about” terminology is notorious in chemical cases. Examiner’s rejection is improper as it could be raised in any chemical application. In the instant application, the term “about” can be understood when read in light of the specification. The examples of the present application indicate amounts which can be used. Here, the values speak for themselves and one skilled in the art would clearly understand what the term “about” means.

Accordingly, Applicants’ respectfully request the present indefinite rejection be withdrawn.

Rejection of claims 1-3, 8, 11-14 and 16 under 35 U.S.C. §102(e) as being anticipated by Hill et al. (US 2005/0147719)

Examiner indicated original claim 6 was allowable. In light of currently amended claim 1 which incorporates original claim 6, the present rejection is moot. Original claim 6 claimed at least 10 weight % of humectant relative to the weight of the dentifrice. Currently amended claim 1 and the depending claims are now in condition for allowance.

Accordingly, Applicants respectfully request that the rejection of claims 1-3, 8, 11-14 and 16 be withdrawn.

Rejection of claims 1-3, 5, 11, 14, 16 and 17 under 35 U.S.C. §102(b) as being anticipated by Scaglione et al. (US 5,000,973)

Again, Examiner indicated original claim 6 was allowable. Applicants incorporated original claim 6 claiming at least 10 weight % of humectant relative to the weight of the dentifrice into claim 1. Accordingly, claim 1 and all dependent claims thereon are now in condition for allowance.

Furthermore, Examiner found Table 4 at col. 24 in Scaglione to disclose compositions containing sodium bicarbonate in amounts ranging from 0.374 to 27 percent by weight. Examiner incorrectly interpreted Table 4. Table 4 does not cite 27 percent by weight but 27 lbs. The proper sodium bicarbonate values disclosed in Table 4 of Scaglione are 0.374 percent by weight for 5 pounds and 2.021 percent by weight for 27 pounds.

Accordingly, Scaglione fails to anticipate the present application. It is respectfully requested that the rejection of claims 1-3, 5, 11, 14, 16 and 17 be withdrawn.

35 U.S.C. §103(a) rejection of claims 1-3, 8, 11-14 and 16 over Hill et al. (US 2005/0147719)

As stated above, Applicants incorporated allowable original claim 6 into claim 1. Currently amended claim 1 now claims at least 10 weight % of humectant relative to the weight of the dentifrice. Accordingly, as currently amended, claim 1 and the depending claims are now in condition for allowance. It is respectfully requested that the present rejection be withdrawn.

35 U.S.C. §103(a) rejection of claims 1-3, 5, 11, 14, 16 and 17 over Scaglione et al. (US 5,000,973)

Applicants incorporation of allowable original claim 6 into claim 1 makes the present rejection moot. Accordingly, as currently amended, claim 1 and the depending claims are now in condition for allowance. It is respectfully requested that the present rejection be withdrawn.

New claims 23-27

Applicants' new independent claim 23 discloses about 7-65% by weight sodium bicarbonate. Neither Hill nor Scaglione discloses the claimed amount. Hill discloses sodium bicarbonate but only at a level of 1 % by wt., see '719 page 17 table

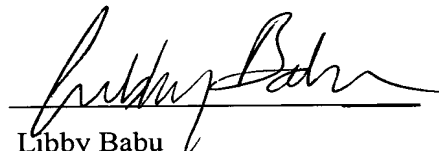
1 and para. 259. Scaglione discloses sodium bicarbonate, and discloses its purpose as being a leavening agent, see '973 col. 23 line 62. Also, Table 4 at col. 24 in Scaglione discloses compositions containing sodium bicarbonate in amounts grossly lower than the claimed 7-65%. Scaglione discloses use of sodium bicarbonate at 0.374 percent by weight and 2.021 percent by weight. Accordingly, neither of the above-references anticipates or suggests the claimed level of sodium bicarbonate. New claim 23 and depending claims are believed to be in condition for allowance.

Allowable Subject Matter

The Examiner's indication of allowable subject matter is noted with appreciation. Applicants are grateful for the allowance of claims 4, 6, 7, 9, 10, 15 and 18-22. For at least these reasons, Applicant respectfully submits that independent amended Claim 1 and the claims dependent thereon are in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

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